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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:21-cr-275-RFB-NJK

Plaintiff,

STIPULATION FOR PRE-SENTENCE PAYMENT TOWARD RESTITUTION

V.

ROBERT DEVON BARBER,

Defendant.

The parties, pursuant to 28 U.S.C. §§ 2041-2042, hereby stipulate to the pre-
ce deposit of funds to be withdrawn and applied toward defendant Robert Devon
's restitution amount in this matter at the time judgment is entered. The stipulation
d on the following:

1. On October 9, 2020, defendant Robert Devon Barber was charged by way of a criminal complaint with one count of Conspiracy to Effect Illegal Transactions with Access Devices, in violation of 18 U.S.C. § 1029(b)(2), and one count of Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A(a)(1). ECF No. 1.

2. On November 3, 2021, pursuant to a written plea agreement, Barber pled guilty to a one-count criminal information, charging him with one count of Conspiracy to

1 Effect Illegal Transactions with Access Devices, in violation of 18 U.S.C. § 1029(b)(2).
2 ECF Nos. 45, 47, 49.

3 3. Pursuant to the Plea Agreement, Barber agreed to “surrender assets
4 defendant obtained directly or indirectly as a result of defendant’s crimes.” ECF No. 47 at
5 3. Barber further agreed “to voluntarily release funds and property under defendant’s
6 control or in which defendant has any property interest, before and after sentencing, to pay
7 any fine or restitution identified in this agreement, agreed to by the parties, or ordered by
8 the Court.” *Id.*

9 4. The parties have conferred and hereby stipulate to the pre-sentence deposit
10 of restitution funds with the Clerk of Court, to be held until the Judgment is entered in this
11 matter by the Court.

12 5. The parties seek an order directing the Clerk of Court to accept Barber’s
13 restitution payments made before entry of the judgment. Pursuant to 28 U.S.C. § 2041, the
14 Clerk of Court is authorized to accept and hold such funds on behalf of Barber until the
15 time of sentencing, which is currently scheduled for November 17, 2022. Further,
16 pursuant to 28 U.S.C. § 2042, the parties request an order that upon the entry of a criminal
17 judgment in this case, the Clerk of Court is to withdraw and apply the deposited funds to
18 the criminal financial obligations, including restitution, imposed against Barber in the
19 sequence established in 18 U.S.C. § 3612(c).

20 6. Barber may submit payment by cash, cashier’s check, or money order made
21 payable to “Clerk, U.S. District Court” with “2:21-cr-275-RFB-NJK” noted on each
22 payment mailed or delivered to:

23 Clerk of the Court, District of Nevada
24 333 Las Vegas Boulevard, South
 Room 1334
 Las Vegas, Nevada 89101

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2 WHEREFORE, the parties stipulate for an order directing the Clerk of Court to
3 accept pre-sentence payments to be held on deposit until judgment is entered, and
4 thereafter applied toward the criminal monetary penalties, including restitution, imposed
5 in this matter as provided by law and in accordance with the Clerk's standard operating
6 procedures.

7 Respectfully submitted this 25th day of May 2022.

8 JASON M. FRIERSON
United States Attorney

9 /s/ Jim W. Fang
10 JIM W. FANG
Assistant United States Attorney

/s/ Damian R. Sheets
11 DAMIAN R. SHEETS, ESQ.
Counsel for Defendant Barber

12 **IT IS SO ORDERED:**



13
14 RICHARD F. BOULWARE, II
15 UNITED STATES DISTRICT JUDGE

16 DATED: May 26, 2022